

WILMERHALE

May 1, 2015

Mark G. Matuschak

By ECF

+1 212 937 7226 (t)
+1 212 230 8888 (f)
mark.matuschak@wilmerhale.com

Honorable Magistrate Judge Sarah Netburn
U.S. District Court for the Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Street
New York, NY 10007

Re: *WebMD LLC v. Everyday Health Media LLC*, 1:14-cv-04446-LTS-SN (S.D.N.Y.)

Dear Judge Netburn:

This firm represents WebMD LLC (“WebMD”). I respectfully write on behalf of both parties, with the consent of Neal Klausner, counsel for Everyday Health Media LLC (“Everyday Health”), to provide the Court with an update on settlement and discovery pursuant to the Court’s April 22, 2015 Order. (Dkt. no. 25.)

The parties have made substantial progress toward settlement since our January 30, 2015 letter. After many discussions in person, over the phone, and by email, and additional targeted document production by Everyday Health in response to requests by WebMD, the parties are close to reaching agreement. Because of the parties’ focus on settlement negotiations, and in an effort to conserve resources, the parties have not yet completed their document productions. Should the parties not reach a settlement in principle by May 31, the parties will immediately resume document production and depositions and request a reasonable extension of time to complete discovery. At this time, the parties do not believe a settlement conference with the Court is necessary, but should that view change the parties will promptly notify the Court and request such a conference.

Respectfully submitted,

/s/ Mark G. Matuschak

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cc: Counsel of Record